

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAYMOND LEO JARLIK BELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C13-5609 RBL

ORDER DISMISSING PETITION
WITHOUT PREJUDICE

THIS MATTER is before the court on its own Motion. Petitioner Raymond Leo Jarlick Bell has filed a petition for writ habeas corpus, purportedly under 28 U.S.C. §2241 [Dkt. #1]. The Petition lists a variety of bases, all of which could be appealed, and which presumably *are* the subject of the Petitioner's current appeal of his conviction and sentence. [See Dkt. # 268]

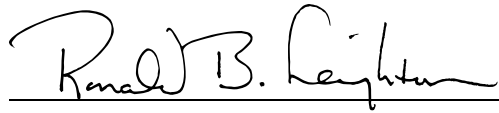
The Petition claims primarily that Petitioner is "actually innocent." His Petition is properly characterized as a §2255 petition.

Absent extraordinary circumstances not present here, this Court should not consider a collateral attack on a judgment while a direct appeal is pending. *See Feldman v. Henman*, 815 F.2d 1318, 1320 (9th Cir. 1987), *cert. denied* 503 U.S. 795 (1992); *United States v. Pirro*, 104 F.3d 297 299 (9th Cir. 1997).

1 The Petition is DISMISSED WITHOUT PREJUDICE. Petitioner may re-file, if
2 necessary, after the conclusion of his direct appeal.

3 IT IS SO ORDERED.

4 Dated this 13th day of September, 2013.

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7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE
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